

By Tuan

S.B. No. 222

A BILL TO BE ENTITLED

AN ACT

relating to studies conducted by the Parks and Wildlife Department and the Texas Water Commission concerning streams, rivers, bays, and estuaries.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.1491, Water Code, is amended to read as follows:

Sec. 11.1491. EVALUATION OF BAYS, [AND] ESTUARIES, AND INSTREAM USES DATA. (a) The Parks and Wildlife Department and the commission shall have joint responsibility to review the studies prepared under Section 16.058 of this code, to determine the instream flow and freshwater inflow conditions necessary for state streams, rivers, [the] bays, and estuaries, and to provide information necessary for water resources management. Each agency shall designate an employee to share equally in the oversight of the program. Other responsibilities shall be divided between the Parks and Wildlife Department and the commission to maximize present in-house capabilities of personnel and to minimize costs to the state. Each agency shall have reasonable access to all information produced by the other agency. Publication of reports completed under this section shall be submitted for comment to both the commission and the Parks and Wildlife Department.

(b) For purposes of guiding data collection and studies specified under Subsection (a) of this section, an advisory council

1 shall [~~may~~] be established by the executive directors of the  
2 commission and the Parks and Wildlife Department and the executive  
3 administrator of the Water Development Board for each principal  
4 river basin, bay, and estuary. Each advisory council shall be  
5 composed of representatives of the commission, Parks and Wildlife  
6 Department, the Water Development Board, Texas Department of  
7 Health, General Land Office, one representative of commercial  
8 fishing groups, one representative of recreational fishing and  
9 hunting groups, one representative of conservation groups, and  
10 representatives of conservation and reclamation districts or river  
11 authorities having responsibilities and operations in river basins  
12 or watersheds contributing to the bay or estuary. The advisory  
13 councils may develop recommendations to the executive directors and  
14 to entities and organizations having operational responsibilities  
15 or holding major water rights in the contributing watersheds  
16 regarding alternative water management methods that may be used in  
17 maintaining a [the] sound ecological environment in state streams,  
18  rivers, [of-the] bays, and estuaries.

19 (c) The board may authorize the use of money from the  
20 research and planning fund established by Chapter 15 of this code  
21 to accomplish the purposes of this section. These funds shall be  
22 used by the commission in cooperation with the Parks and Wildlife  
23 Department for interagency contracts with cooperating agencies and  
24 universities, and contracts with private sector establishments, as  
25 necessary, to accomplish the purposes of this section.

26 SECTION 2. Section 16.058, Water Code, is amended to read as  
27 follows:

1           Sec. 16.058. COLLECTION OF BAYS, [AND] ESTUARIES, AND  
2 INSTREAM USES DATA; CONDUCT OF STUDIES.   (a) The Parks and  
3 Wildlife Department and the board shall have joint responsibility,  
4 in cooperation with other appropriate governmental agencies, to  
5 establish and maintain on a continuous basis a [bay--and--estuary]  
6 data collection and evaluation program and conduct studies and  
7 analyses to determine riverine and estuarine [bay] conditions  
8 necessary to support a sound ecological environment in state  
9 streams, rivers, bays, and estuaries.

10           (b) The Parks and Wildlife Department and the board each  
11 shall designate an employee to share equally in the oversight of  
12 the program studies. Other responsibilities shall be divided  
13 between the Parks and Wildlife Department and the board to maximize  
14 present in-house capabilities of personnel and equipment and to  
15 minimize costs to the state.

16           (c) The Parks and Wildlife Department and the board each  
17 shall have reasonable access to all data, studies, analyses,  
18 information, and reports produced by the other agency.

19           (d) The [~~studies-shall-be-completed-not-later-than--December~~  
20 ~~31,--1989---Publication-of-completed-studies-shall-be-submitted-for~~  
21 ~~comment-to-both-the]~~ board and the Parks and Wildlife Department  
22 biennially shall report study findings and recommendations to the  
23 governor and the legislature.

24           (e) The board may authorize the use of money from the  
25 research and planning fund established by Chapter 15 of this code  
26 to accomplish the purposes of this section. That money shall be  
27 used by the board in cooperation with the Parks and Wildlife

1 Department for interagency contracts with cooperating agencies and  
2 universities and contracts with private sector establishments, as  
3 necessary, to accomplish the purposes of this section.

4 SECTION 3. This Act takes effect September 1, 1991.

5 SECTION 4. The first biennial report required by Section  
6 16.058(d), Water Code, as amended by this Act, shall be submitted  
7 to the governor and the legislature not later than February 1,  
8 1993.

9 SECTION 5. The importance of this legislation and the  
10 crowded condition of the calendars in both houses create an  
11 emergency and an imperative public necessity that the  
12 constitutional rule requiring bills to be read on three several  
13 days in each house be suspended, and this rule is hereby suspended.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 21, 1991

TO: Honorable Bill Sims, Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas

IN RE: Senate Bill No. 222  
By: Truan

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 222 (relating to studies conducted by the Parks and Wildlife Department and the Texas Water Commission concerning streams, rivers, bays, and estuaries) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would amend the Texas Water Code to require the collection and evaluation of data regarding instream uses and needs for freshwater flows associated with the state's streams and rivers and requires biennial reporting to the Governor and Legislature.

The bill vests joint responsibility for determining instream flow and freshwater inflow conditions necessary for state streams and rivers with the Parks and Wildlife Department and Water Commission.

The bill vests joint responsibility for conducting studies needed to determine riverine and estuarine conditions necessary to support sound ecological environment with the Parks and Wildlife Department and the Water Development Board.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Out of the General Revenue Fund</u>	<u>Out of the Game, Fish and Water Safety Fund No. 9</u>	<u>Out of the Water Assistance Fund No. 480</u>	<u>Change in Number of State Employees from FY 1991</u>
1992	\$ 885,985	\$ 190,241	\$ 280,000	+ 28
1993	857,985	157,511	310,000	+ 28
1994	1,289,650	148,781	257,000	+ 28
1995	1,239,650	148,781	257,000	+ 28
1996	1,239,650	148,781	257,000	+ 28

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to the units of local government is anticipated.

Source: Parks and Wildlife Department, Water Commission, Water Development Board;  
LBB Staff: JO, JWH, DF, JG, DE

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AN ACT: relating to studies conducted by the Parks and Wildlife Department and the Texas Water Commission concerning streams, rivers, bays, and estuaries.

1-28-91  
JAN 30 1991

Filed with the Secretary of the Senate

Read and referred to Committee on NATURAL RESOURCES - Subcommittee on Water

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

Read second time, \_\_\_\_\_, and ordered engrossed by: { unanimous consent  
a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

Read third time, \_\_\_\_\_, and passed by: { A viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_  
SECRETARY OF THE SENATE

OTHER ACTION:

\_\_\_\_\_  
Engrossed

\_\_\_\_\_  
Sent to House

Engrossing Clerk \_\_\_\_\_

\_\_\_\_\_  
Received from the Senate

\_\_\_\_\_  
Read first time and referred to Committee on \_\_\_\_\_

\_\_\_\_\_  
Reported favorably amended, sent to Printer at \_\_\_\_\_

\_\_\_\_\_  
Printed and Distributed \_\_\_\_\_

\_\_\_\_\_  
Sent to Committee on Calendars \_\_\_\_\_

\_\_\_\_\_  
Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

\_\_\_\_\_  
Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

\_\_\_\_\_  
Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

\_\_\_\_\_  
Caption ordered amended to conform to body of bill.

\_\_\_\_\_  
Returned to Senate.

\_\_\_\_\_  
CHIEF CLERK OF THE HOUSE

\_\_\_\_\_  
Returned from House without amendment.

\_\_\_\_\_  
Returned from House with \_\_\_\_\_ amendments.

\_\_\_\_\_  
Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

*NR  
water sub*